

AG Contract No. KR97 1690TRN
ADOT ECS File: JPA 97-116
Project: H4719 01X
Section: San Luis Port of Entry and Area
Service Highway Planning Study

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
YUMA METROPOLITAN PLANNING ORGANIZATION

THIS AGREEMENT is entered into 22 September, 1997,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and YUMA METROPOLITAN PLANNING
ORGANIZATION, acting by and through its BOARD OF SUPERVISORS (the "YMPO").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The YMPO is empowered to enter into this agreement and has by resolution number 43, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the YMPO.

3. The State and the YMPO desire to conduct a San Luis port of entry and area service highway planning study, at an estimated cost of \$200,000.00, from funds appropriated by House Bill 2040, which became effective on 28 April 1997, a copy of which is attached hereto and made a part hereof. The parties hereto agree that the YMPO shall be the lead agency for the study.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

=====

NO. 21905
Filed with the Secretary of State
Date Filed: 09/22/97
Betsy Gayles
Secretary of State
By: Vicky Greenwood

II. SCOPE

1. The YMPO will:

a. Issue requests for proposals and select and hire an appropriate engineering consultant, or, by change order to an existing engineering consultant contract, accomplish a new San Luis port of entry approximately four miles east of the cities of San Luis, Arizona and San Luis, Sonora Mexico and area service highway planning study. Strictly comply with all applicable State procurement laws. Provide the State copies of study progress submittals at approximately the 60% and 95% level of completion, or as received by the YMPO, for State review and comment. Incorporate State review comments as appropriate.

b. Invoice the State for funds (Arizona Department of Transportation, Attn: Director, Transportation Planning Group, 206 S. 17th Avenue, Mail Drop 300B, Phoenix, AZ 85007) in the amount of \$200,000.00. Be responsible for all costs associated with the study over and above the State's appropriation of \$200,000.00.

2. The State will:

a. Review the study documents and provide comments.

b. Within 30 days after receipt and approval of an invoice, pay the YMPO funds in an amount not to exceed \$200,000.00.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said study and reimbursements, provided, however, that this agreement may be cancelled at any time prior to the award of a study contract, upon 30 days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511 as regards conflicts of interest on behalf of State employees.

4. The provisions of Arizona Revised Statutes Section 35-214 pertaining to 5 year records retention by the YMPO and audit by the State are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement, except as otherwise specified herein, shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Yuma Metropolitan Planning Organization
Executive Director
200 W. First Street
Yuma, AZ 85364


10. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

YUMA METROPOLITAN
PLANNING ORGANIZATION

STATE OF ARIZONA
Department of Transportation

By 
CLYDE CUMING
Chairman

By 
JAY KLAGGE, Director
Transportation Planning

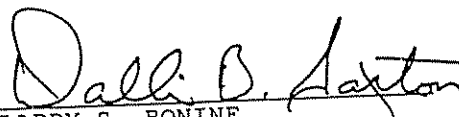
ATTEST:

By 
ROBERT A. VAUGHAN
Executive Director

RESOLUTION

BE IT RESOLVED on this 18th day of July 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Yuma Metropolitan Planning Organization for the purpose of defining responsibilities for conducting a San Luis port of entry and area service highway planning study.

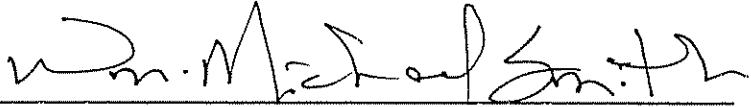
Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation Planning for approval and execution.


for LARRY S. BONINE
Director

APPROVAL OF
THE YUMA METROPOLITAN PLANNING ORGANIZATION ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the YUMA METROPOLITAN PLANNING ORGANIZATION and the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and declare this agreement to be in proper form and within the powers and authority granted to the Yuma Metropolitan Planning Organization through its member agencies; the county of Yuma, the cities of Yuma, San Luis, and Somerton, the town of Wellton, and the Arizona Department of Transportation under the laws of the State of Arizona.

DATED this 18 day of August, 1997.



William Michael Smith

YMPO Legal Counsel

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Senate Engrèssed House Bill

State of Arizona
House of Representatives
Forty-third Legislature
First Regular Session
1997

FILED

Jane Dee Hull
Secretary of State

CHAPTER 182

HOUSE BILL 2040

AN ACT

AMENDING SECTION 28-6547, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1292.03, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO TRANSPORTATION BETWEEN ARIZONA AND MEXICO; PROVIDING FOR CONDITIONAL ENACTMENT.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-6547, Arizona Revised Statutes, is amended to read:

28-6547. Safety enforcement and transportation infrastructure fund; exemption from lapsing

A. The safety enforcement and transportation infrastructure fund is established. The fund consists of monies deposited pursuant to sections 28-2324, 28-2325, 28-5739, 28-5874 and 28-5875. The department shall administer the fund.

B. Subject to legislative appropriation, monies in the fund shall be spent on the following ~~in the following priority~~:

1. Enforcement of vehicle safety requirements by the department of public safety and the department of transportation within twenty-five miles of the border between Arizona and Mexico.

2. Maintenance of transportation facilities and upgrades of transportation facilities, including roads, streets and highways, approved by the board within twenty-five miles of the border between Arizona and Mexico.

3. As approved by the board, maintenance and construction of transportation facilities ~~relating to the state designated north American free trade highway corridor. The state designated North American free trade~~

1 2. Study issues and problems concerning transportation between Sonora,
2 Mexico and this state, including the following:

3 (a) The need to modify and improve border crossing procedures and
4 facilities.

5 (b) The advantages and disadvantages of issuing temporary travel
6 permits to Mexican commercial vehicles entering this state.

7 (c) The commercial impact of a deep sea port in Guaymas, Mexico.

8 (d) The potential impact of transporting hazardous materials between
9 Sonora, Mexico and this state.

10 (e) The current and any anticipated changes in the type and volume of
11 traffic on highways that carry commercial vehicles to the border between
12 Sonora, Mexico and this state.

13 (f) Environmental and safety problems caused by the type and volume
14 of traffic on highways that carry commercial vehicles to the border between
15 Sonora, Mexico and this state.

16 (g) Potential financing of any highway construction or planning, or
17 both, that may be recommended by the committee.

18 (h) The impact of foreign commercial vehicles on the transportation
19 infrastructure of this state.

20 (i) The balance between revenues collected at ports of entry on the
21 border between Sonora, Mexico and this state and the costs associated with
22 maintaining the transportation infrastructure within twenty-five miles of the
23 border between Sonora, Mexico and this state.

24 3. ANNUALLY MAKE RECOMMENDATIONS TO THE LEGISLATURE REGARDING
25 APPROPRIATIONS MADE PURSUANT TO SECTION 28-6547.

26 ~~3-~~ 4. ~~Provide~~ MAKE recommendations to the legislature that will help
27 alleviate the current environmental, transportation infrastructure and safety
28 problems caused by the type and volume of traffic on highways that carry
29 commercial vehicles to the border between Sonora, Mexico and this state and
30 transportation problems experienced by businesses located on both sides of
31 the border between Sonora, Mexico and this state, that will improve road, air
32 and rail transportation between Sonora, Mexico and this state and regarding
33 highway construction and planning of highways that carry commercial vehicles
34 to the border between Sonora, Mexico and this state.

35 ~~4-~~ 5. Submit a report with its recommendations on or before
36 December 1 of each year to the president of the senate, the speaker of the
37 house of representatives, the governor, the chairman of the state
38 transportation board and the committee established by Sonora, Mexico.

39 C. THE MEMBERS OF THE COMMITTEE WHO ARE APPOINTED PURSUANT TO
40 SUBSECTION A, PARAGRAPHS 9 AND 10 SERVE TWO YEAR TERMS.

41 ~~C-~~ D. The members of the committee are not eligible to receive
42 compensation, but the members who are appointed pursuant to subsection A,
43 ~~paragraph 7~~ PARAGRAPHS 9 AND 10 are eligible to receive reimbursement for
44 expenses pursuant to title 38, chapter 4, article 2.



STATE OF ARIZONA

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ATTORNEY GENERAL

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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-1690TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED September 11, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:c/7666